

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

2007 AUG -31 A 10:34

SHAWN L. BURKS, # 188755  
Plaintiff,

CLARA P. HACKETT, CLERK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

V.S.

Case No: 1:07-CV-337-MEF

DAVE SUTTON, SHERIFF, et al.,  
Defendant(s),

PLAINTIFF'S MOTION FOR DISCOVERY

Comes now, the Plaintiff, Shawn L. Burks, proceeding Pro-Se and through Inmate assistance and submit this Motion for Discovery Pursuant to the provisions of The Federal Rules of Civil Procedure Rule 26

The Petitioner make this request for Discovery because the Defendant's has stated facts that is not shown through the Special Report filed in this Court on July 13, 2007, and this Court Issued an Order for this Plaintiff to Respond to the Special Report on July 16, 2007, in which Burks was ORDERED to Respond by August 6, 2007.

In order to file a proper response, the Plaintiff will need for the Defendants to provide the following information/Documents:

1. Produce for inspection and copying, a written copy of the Regulation/S.O.P (Standard Operation Procedure) that pertains to Riot situations in the Coffee County Jail, including but not limited to (a) the Signature of the person or persons that approved the policy; (b) the date the policy was implemented, (c) if there is no written policy, explain why not, and when a written policy will be placed in effect;
2. Produce for inspection, and copying, the correct name and address of the company that provide the Video Equipment that is being used in the Coffee County Detention Facility to monitor the Inmates in the Jail.

3. Produce to the Court, the Video Tape that was made on March ~~3~~, 2007 that shows Cell Block 2 of the Coffee County Jail and provide the Plaintiff with a Still Shots of the same video,, including but not limited to (a) one hour prior to the incident and one hour after the incident in question; (b) show all persons that was involved in the incident including the officers and inmates; (c) If the tape has been destroyed or misplaced, provide the name and job title of the person that destroyed/or erased the tape, as well as provide the procedure/written policy that is in place that shows the proper procedure for preserving video taped equipment, and tapes made at the Coffee County Jail.

4. Produce for inspection and copying the training procedure used by the Coffee County sheriff Department in the use of the Bear-Bag Shot-gun, and it's use, including but not limited to (a) where the training took place ( b) the names of all of the coffee County Sheriff Deputies/Jail officials that took -part in the training;(c) the date and time of such training; (d) the person/persons or orgization that preformed the training sessions

5. Produce to the Court and the Plaintiff the Medical Report of Dr. Henry Cochran, the Physician that examined the Plaintiff on the day and time in question, as well as a detailed list of all medications prescribed, the dosage, and the time in which they were to be prescribed.

6 Produce to the Plaintiff and the court the Standard Operation Procedure/or Regulation that shows what the Inmate must do to receive his/her medication at the Coffee county Jail, and provide the Court and the Plaintiff the list that all Inmates sign when they receive their prescribed medication from the Doctor/nurse/or security personnell at the coffee County Jail.

7. Because the Plaintiff was a State Sentenced Inmate, during the time of this incident in question, he is requesting that the Alabama Department of Corrections produce for the Court and the Plaintiff, any/all medical records from the time of intake into the Kilby Correctional Facility, until the present time including but not limited to Psychological Reports from the Elmore correctional Facility preformed by the Staff Psychologist, and other mental health providers;

8. Produce a copy of any and all disciplinary reports written on the Plaintiff during his stay at the Coffee County Jail, until the time he was transfered to the kilby correctional Facility, and show what the disciplinary infractions was for.

9. Produce a copy of all of the disciplinary infractions written on all Inmates on the Day in question (March ~~3~~, 2007 as a result of the incident in the county Jail, and show what Inmates received the infraction, and what rule was violated.

Respectfully Submitted

Shawn L. Burks  
Shawn Burks

#### CONCLUSION

This Pro-Se Petitioner respectfully request that this Honorable Court will compel the Defendants to produce the requested Documents from the Defendants within (30) thirty days from the date of this request, and compel the Non Defendants, The Alabama Department of Corrections to produce the Medical Records requested by the Plaintiff.

All of the information requested is necessary for the Plaintiff to file a proper response to the Special Report, and would further request that this Court would allow the Plaintiff to seek further request if necessary.

Shawn L. Burks  
Shawn Burks

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing on the parties listed below by placing a copy of same in the United States mail properly addressed and postage pre-paid this 2nd Day of August, 2007

WEBB & ELEY, P.C.  
P.O. BOX 240909  
MONTGOMERY, ALABAMA 36124

Shawn L. Burks  
SHAWN BURKS # 188755 B2-13  
ELMORE CORRECTIONAL FACILITY  
P.O. BOX 8  
ELMORE, ALABAMA 36025